

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA

v.

BRANDON DELGADO

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) **CRIMINAL NO.**
) **05- 10176- RCL**
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**DEFENDANT BRANDON DELGADO’S MOTION FOR THE
SCHEULING OF A DETENTION HEARING**

The defendant Brandon Delgado (“Delgado”) is presently under an order of detention that was entered without prejudice. Delgado requests that the court schedule a hearing to determine if there are conditions under which he could be released pending trial

Delgado intends to propose Ms. Ann Kelley, his second cousin, as a custodial supervisor, pursuant to 18 U.S.C. § 3142(c)(B)(i). Ms. Kelley resides at 3 Aucoot Rd., 2nd Floor, Mattapoissett, MA 02739 with her two children. She is presently employed as the manager of an adult residential facility in South Dartmouth Massachusetts that is operated by “Better Community Living” and funded by the Massachusetts Department of Mental Retardation. Ms. Kelley has been advised of the responsibilities of a custodial supervisor and is willing to act as the defendant’s supervisor.

Pretrial Services has interviewed Ms. Ann Kelley and initially determined that Ms. Kelley would be an appropriate custodial supervisor if the court were to release Delgado on conditions. However, Pretrial Services

subsequently withdrew its approval solely on the ground that Ms. Kelley had subsequently been charged with driving under the influence of alcohol. The case is pending in the Wareham District Court. This is Ms. Kelley's first such alleged offense. The defendant submits that despite the pending charge, Ms. Kelley is an appropriate custodial supervisor.

By his attorneys,

s/ Michael J. Liston

Michael J. Liston BBO# 301760
2 Park Plaza, Suite 610
Boston, MA 02118
(617) 426-2281

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